

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JD1, JD2, and JD3,

Plaintiffs,

-vs-

CANISIUS COLLEGE,  
NATHAN HUCKLE,  
WILLIAM MAHER, and  
DONOVAN GLAVIN,

Defendants.

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**ANSWER TO**  
**AMENDED COMPLAINT**

Civil Action No. 21-cv-00521

**JURY TRIAL DEMANDED**

Defendant, DONOVAN GLAVIN ("Defendant"), by and through his attorneys, LIPPES MATHIAS LLP, hereby responds to the Amended Complaint of Plaintiffs, JD1, JD2, and JD3 ("Plaintiffs"), in like-numbered paragraphs as follows:

**AS TO THE PARTIES**

1. Defendant states that the allegations contained in Paragraph 1 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Amended Complaint.

2. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Amended Complaint.

3. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Amended Complaint.

4. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Amended Complaint.

5. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Amended Complaint.

6. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Amended Complaint.

7. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Amended Complaint.

8. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Amended Complaint.

9. Defendant states that the allegations in Paragraph 9 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and

inferences of unlawful conducted contained therein insofar as it pertains to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 9 of the Amended Complaint.

10. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Amended Complaint.

11. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Amended Complaint.

12. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Amended Complaint.

13. Defendant admits that Defendant was a student at Canisius College from August 2016 to August 2018, and denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Amended Complaint.

#### **AS TO JURISDICTION AND VENUE**

14. Defendant states that the allegations contained in Paragraph 14 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required, and otherwise denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant.

15. Defendant states that the allegations contained in Paragraph 15 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required, and otherwise denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant.

16. Defendant states that the allegations contained in Paragraph 16 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required, and to the extent a response is required, denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant.

17. Defendant states that the allegations contained in Paragraph 17 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required, and to the extent a response is required, denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant.

18. Defendant admits that Defendant was a student at Canisius College and denies knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 18 of the Amended Complaint.

19. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of the Amended Complaint.

20. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 20 of the Amended Complaint insofar as they pertain to

Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 20 of the Amended Complaint.

21. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 21 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 21 of the Amended Complaint.

22. Defendant admits that Defendant was a student at Canisius College and was removed from the Cross-Country/Track and Field Team at Canisius College, and denies the remaining allegations contained in Paragraph 22 of the Amended Complaint.

23. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 of the Amended Complaint.

24. Defendant states that the allegations contained in Paragraph 24 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations contained in Paragraph 24 of the Amended Complaint insofar as they pertain to Defendant.

**AS TO THE ALLEGATIONS OF "DISCRIMINATION, HARASSMENT, AND SEXUAL ASSAULT AGAINST FEMALE ATHLETES ON THE CANISIUS CROSS-COUNTRY/TRACK AND FIELD TEAM"**

25. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 of the Amended

Complaint.

26. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26 of the Amended Complaint.

27. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27 of the Amended Complaint.

28. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28 of the Amended Complaint.

29. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29 of the Amended Complaint.

30. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 30 of the Amended Complaint.

31. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 of the Amended Complaint.

32. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 32 of the Amended

Complaint.

33. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 of the Amended Complaint.

34. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 34 of the Amended Complaint.

35. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 35 of the Amended Complaint.

36. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36 of the Amended Complaint.

37. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 37 of the Amended Complaint.

38. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 38 of the Amended Complaint.

39. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 39 of the Amended

Complaint.

40. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40 of the Amended Complaint.

41. Defendant states that the allegations contained in Paragraph 41 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct insofar as it pertains to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 of the Amended Complaint.

42. Defendant states that the allegations contained in Paragraph 42 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct insofar as it pertains to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 42 of the Amended Complaint.

43. Defendant admits there were men and women on the Canisius College Cross-County/Track and Field Team coached by Nathan Huckle, and denies knowledge and information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 43 of the Amended Complaint.

44. Defendant denies the allegations and inferences of unlawful conduct contained within Paragraph 44 of the Amended Complaint insofar as they pertain



to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29 of the Amended Complaint.

45. Defendant denies knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 45 of the Amended Complaint.

46. Defendant denies knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 46 of the Amended Complaint.

47. Defendant denies knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 47 of the Amended Complaint.

48. Defendant denies knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 48 of the Amended Complaint.

49. Defendant denies knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 49 of the Amended Complaint.

50. Defendant admits that the male athletes wore Nike apparel and the women did not, and otherwise denies knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 50 of the Amended Complaint.

51. Defendant denies knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 51 of the Amended Complaint.

52. Defendant denies knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 52 of the Amended Complaint.

53. Defendant states that the allegations contained in Paragraph 53 of the

Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 38 of the Amended Complaint.

54. Defendant denies knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 54 of the Amended Complaint.

55. Defendant denies knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 55 of the Amended Complaint.

56. Defendant denies knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 56 of the Amended Complaint.

57. Defendant states that the allegations contained in Paragraph 57 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant.

58. Defendant denies the allegations contained in Paragraph 58 of the Amended Complaint insofar as they pertain to Defendant.

59. Defendant denies knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 59 of the Amended Complaint and denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant.

60. Defendant denies knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 60 of the Amended Complaint and denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant.

61. Defendant denies the allegations contained in Paragraph 61 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the remainder of the allegations therein.

62. Defendant denies knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 62 of the Amended Complaint.

63. Defendant denies the allegations contained in Paragraph 63 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

64. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 64 of the Amended Complaint.

65. Defendant states that the allegations contained in Paragraph 65 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant.

66. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 66 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations contained therein.

67. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 67 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations contained therein.

68. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 68 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations contained therein.

69. Defendant denies the allegations contained in Paragraph 69 of the Amended Complaint.

70. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 70 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations contained therein.

71. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 71 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations contained therein.

72. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 72 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations contained therein.

73. Defendant denies the allegations contained in Paragraph 73 of the Amended Complaint.

74. Defendant states that the allegations contained in Paragraph 74 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 74 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations contained therein.

75. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 75 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations contained therein.

76. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 76 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations contained therein.

77. Defendant denies the allegations contained in Paragraph 77 of the

Amended Complaint.

78. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 78 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations contained therein.

79. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 79 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations contained therein.

80. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 80 of the Amended Complaint.

81. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 81 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations contained therein.

82. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 82 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations contained therein.

83. Defendant denies the allegations and inferences of unlawful conduct

contained in Paragraph 83 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations contained therein.

84. Defendant denies the allegations contained in Paragraph 84 of the Amended Complaint.

85. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 85 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations contained therein.

86. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 86 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

87. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 87 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

88. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 88 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

89. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 89 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

90. Defendant states that the allegations contained in Paragraph 90 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, denies the allegations and inferences on unlawful conduct contained in Paragraph 90 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

91. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 91 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

92. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 92 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

93. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 93 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to



the truth of the remainder of the allegations therein.

94. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 94 of the Amended Complaint.

95. Defendant admits Defendant was removed from the Cross-Country/Track and Field Team and was not expelled from school, and denies the remaining allegations contained in Paragraph 95 of the Amended Complaint.

96. Defendant denies that Defendant continued to train with the team, denies the allegations and inferences of unlawful conduct contained in Paragraph 96 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

**AS TO THE ALLEGATIONS CONCERNING "RETALIATION"**

97. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 97 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

98. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 98 of the Amended Complaint.

99. Defendant denies knowledge and information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 99 of the Amended Complaint.

100. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 100 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

101. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 101 of the Amended Complaint.

102. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 102 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the truth as to the remainder of the allegations therein.

103. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 103 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

104. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 104 of the Amended Complaint.

105. Defendant denies the allegations and inferences of unlawful conduct

contained in Paragraph 105 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

106. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 106 of the Amended Complaint.

107. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 107 of the Amended Complaint.

108. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 108 of the Amended Complaint.

109. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 109 of the Amended Complaint.

110. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 110 of the Amended Complaint.

**AS TO THE ALLEGATIONS CONCERNING "PLAINTIFFS' INJURIES"**

111. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 111 of the Amended Complaint insofar as they pertain to

Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

112. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 112 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

113. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 113 of the Amended Complaint.

114. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 114 of the Amended Complaint.

115. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 115 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

116. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 116 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

117. Defendant denies the allegations and inferences of unlawful conduct

contained in Paragraph 117 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

118. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 118 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

119. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 119 of the Amended Complaint.

120. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 120 of the Amended Complaint.

121. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 121 of the Amended Complaint.

122. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 122 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

123. Defendant denies the allegations and inferences of unlawful conduct

contained in Paragraph 123 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations therein.

**AS TO THE ALLEGATIONS IN THE FIRST CAUSE OF ACTION**

124. Defendant repeats and reiterates Defendant's responses to the allegations contained in Paragraphs 1 through 123 as if fully set forth herein.

125. Defendant states that the allegations contained in Paragraph 125 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

126. Defendant states that the allegations contained in Paragraph 126 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

127. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 127 of the Amended Complaint insofar as they pertain to Defendant, and denies knowledge and information sufficient to form a belief as to the truth of the remaining allegations therein.

128. Defendant states that the allegations contained in Paragraph 128 of

the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

129. Defendant states that the allegations contained in Paragraph 129 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

130. Defendant states that the allegations contained in Paragraph 130 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

131. Defendant states that the allegations contained in Paragraph 131 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

132. Defendant denies the allegations and inferences of unlawful conduct contained in Paragraph 132 of the Amended Complaint insofar as they pertain to Defendant and denies knowledge and information sufficient to form a belief as to the truth of the remaining allegations.

133. Defendant states that the allegations contained in Paragraph 133 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

**AS TO THE ALLEGATIONS IN THE SECOND CAUSE OF ACTION**

134. Defendant repeats and reiterates Defendant's responses to the allegations contained in Paragraphs 1 through 133 as if fully set forth herein.

135. Defendant states that the allegations contained in Paragraph 135 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

136. Defendant states that the allegations contained in Paragraph 136 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies



the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

137. Defendant states that the allegations contained in Paragraph 137 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

138. Defendant states that the allegations contained in Paragraph 138 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

**AS TO THE ALLEGATIONS IN THE THIRD CAUSE OF ACTION**

139. Defendant repeats and reiterates Defendant's responses to the allegations contained in Paragraphs 1 through 138 as if set forth herein.

140. Defendant states that the allegations contained in Paragraph 140 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as

they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

141. Defendant states that the allegations contained in Paragraph 141 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

142. Defendant states that the allegations contained in Paragraph 142 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

143. Defendant states that the allegations contained in Paragraph 143 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

144. Defendant states that the allegations contained in Paragraph 144 of the Amended Complaint consist of legal conclusions to which no responsive

pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

145. Defendant states that the allegations contained in Paragraph 145 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

146. Defendant states that the allegations contained in Paragraph 146 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

**AS TO THE ALLEGATIONS IN THE FOURTH CAUSE OF ACTION**

147. Defendant repeats and reiterates Defendant's responses to the allegations contained in Paragraphs 1 through 146 as if set forth herein.

148. Defendant states that the allegations contained in Paragraph 148 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies

the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

149. Defendant states that the allegations contained in Paragraph 149 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

**AS TO THE ALLEGATIONS IN THE FIFTH CAUSE OF ACTION**

150. Defendant repeats and reiterates Defendant's responses to the allegations contained in Paragraphs 1 through 149 as if set forth herein.

151. Defendant states that the allegations contained in Paragraph 151 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

152. Defendant states that the allegations contained in Paragraph 152 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information

sufficient to form a belief as to the truth of the allegations contained therein.

153. Defendant states that the allegations contained in Paragraph 153 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

**AS TO THE ALLEGATIONS IN THE SIXTH CAUSE OF ACTION**

154. Defendant repeats and reiterates Defendant's responses to the allegations contained in Paragraphs 1 through 153 as if set forth herein.

155. Defendant states that the allegations contained in Paragraph 155 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

156. Defendant states that the allegations contained in Paragraph 156 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

157. Defendant states that the allegations contained in Paragraph 157 of

the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

**AS TO THE ALLEGATIONS IN THE SEVENTH CAUSE OF ACTION**

158. Defendant repeats and reiterates Defendant's responses to the allegations contained in Paragraphs 1 through 157 as if set forth herein.

159. Defendant states that the allegations contained in Paragraph 159 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

160. Defendant states that the allegations contained in Paragraph 160 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

161. Defendant states that the allegations contained in Paragraph 161 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as

they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

162. Defendant states that the allegations contained in Paragraph 162 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

**AS TO THE ALLEGATIONS IN THE EIGHTH CAUSE OF ACTION**

163. Defendant repeats and reiterates Defendant's responses to the allegations contained in Paragraphs 1 through 162 as if set forth herein.

164. Defendant states that the allegations contained in Paragraph 164 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

165. Defendant states that the allegations contained in Paragraph 165 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information

sufficient to form a belief as to the truth of the allegations contained therein.

166. Defendant states that the allegations contained in Paragraph 166 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

167. Defendant states that the allegations contained in Paragraph 167 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

**AS TO THE ALLEGATIONS IN THE NINTH CAUSE OF ACTION**

168. Defendant repeats and reiterates Defendant's responses to the allegations contained in Paragraphs 1 through 167 as if set forth herein.

169. Defendant states that the allegations contained in Paragraph 169 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

170. Defendant states that the allegations contained in Paragraph 170 of



the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

171. Defendant states that the allegations contained in Paragraph 171 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

172. Defendant states that the allegations contained in Paragraph 172 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

173. Defendant states that the allegations contained in Paragraph 173 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information

sufficient to form a belief as to the truth of the allegations contained therein.

**AS TO THE ALLEGATIONS IN THE TENTH CAUSE OF ACTION**

174. Defendant repeats and reiterates Defendant's responses to the allegations contained in Paragraphs 1 through 173 as if set forth herein.

175. Defendant denies the allegations contained in Paragraph 175 of the Amended Complaint.

176. Defendant denies the allegations contained in Paragraph 176 of the Amended Complaint.

177. Defendant denies the allegations contained in Paragraph 177 of the Amended Complaint.

178. Defendant states that the allegations contained in Paragraph 178 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

179. Defendant states that the allegations contained in Paragraph 179 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information

sufficient to form a belief as to the truth of the allegations contained therein.

180. Defendant states that the allegations contained in Paragraph 180 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

181. Defendant states that the allegations contained in Paragraph 181 of the Amended Complaint consist of legal conclusions to which no responsive pleading is required and, to the extent a response is required, Defendant denies the allegations and inferences of unlawful conduct contained therein insofar as they pertain to Defendant and otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

182. Defendant denies each and every other allegation contained in the Amended Complaint not hereinbefore specifically admitted or denied.

**AS TO THE PRAYER FOR RELIEF**

183. Defendant denies the allegations set forth in the WHEREFORE paragraph of the Amended Complaint and further denies that plaintiffs are entitled to any of the relief demanded therein of any relief whatsoever.

**AFFIRMATIVE DEFENSES:**

184. In further answer to the Amended Complaint, Defendant alleges the

following affirmative and other defenses upon information and belief. In asserting these defenses, Defendant does not assume the burden of proof for any issue to which applicable law places the burden of proof on the plaintiffs, and reserves the right to assert additional defenses discovered during the course of litigation.

**FOR A FIRST AFFIRMATIVE DEFENSE,**  
**THIS ANSWERING DEFENDANT ALLEGES**  
**UPON INFORMATION AND BELIEF:**

185. The Amended Complaint, in whole or in part, fails to state a cause of action upon which relief can be granted.

**FOR A SECOND AFFIRMATIVE DEFENSE,**  
**THIS ANSWERING DEFENDANT ALLEGES**  
**UPON INFORMATION AND BELIEF:**

186. To the extent plaintiffs can establish liability and damages as against Defendant (which Defendant denies), all or some of the damages must be diminished by reason of the acts, actions, negligence, culpable conduct, failure to mitigate and/or assumption of risk of plaintiffs by no fault of Defendant.

**FOR A THIRD AFFIRMATIVE DEFENSE,**  
**THIS ANSWERING DEFENDANT ALLEGES**  
**UPON INFORMATION AND BELIEF:**

187. Defendant cannot be held individually liable, in whole or in part, for violations of Title VII of the Civil Rights Act of 1964; the New York State Human Rights Law (Executive Law, Article 15) § 296(1), because Defendant is not plaintiffs' employer under law, and did not aid and abet any other defendant's alleged unlawful conduct.

**FOR A FOURTH AFFIRMATIVE DEFENSE,**  
**THIS ANSWERING DEFENDANT ALLEGES**  
**UPON INFORMATION AND BELIEF:**

188. Defendant cannot be held individually liable, in whole or in part, for violations of Title IX of the Education Amendments Act of 1972, 20 U.S.C. § 1681 *et seq.*, because Defendant is not an institution or education program, and did not aid and abet any other defendant's alleged unlawful conduct.

**FOR A FIFTH AFFIRMATIVE DEFENSE,**  
**THIS ANSWERING DEFENDANT ALLEGES**  
**UPON INFORMATION AND BELIEF:**

189. Plaintiffs' recovery for the alleged claims is barred by equitable defenses, including the applicable doctrines of unclean hands, equitable estoppel, laches, and/or waiver.

**FOR A SIXTH AFFIRMATIVE DEFENSE,**  
**THIS ANSWERING DEFENDANT ALLEGES**  
**UPON INFORMATION AND BELIEF:**

190. Plaintiffs are not entitled to punitive damages, attorneys' fees, and costs under the applicable statutes, and plaintiffs otherwise fail to state a claim upon which punitive damages may be awarded against Defendant.

**FOR A SEVENTH AFFIRMATIVE DEFENSE,**  
**THIS ANSWERING DEFENDANT ALLEGES**  
**UPON INFORMATION AND BELIEF:**

191. Plaintiffs' claims are barred, in whole or in part, by plaintiffs' failure to satisfy all administrative, procedural, and jurisdictional prerequisites; this Court accordingly lacks subject-matter jurisdiction over plaintiffs' claims.

**FOR AN EIGHTH AFFIRMATIVE DEFENSE**  
**THIS ANSWERING DEFENDANT ALLEGES**  
**UPON INFORMATION AND BELIEF:**

192. Plaintiffs' claims are barred by the applicable statute of limitations and/or filing periods.

**FOR A NINTH AFFIRMATIVE DEFENSE**  
**THIS ANSWERING DEFENDANT ALLEGES**  
**UPON INFORMATION AND BELIEF:**

193. Any violation of the law was due to the affirmative acts and/or omissions of others. Such acts and/or omissions do not give rise to liability of Defendant or a claim for damages against Defendant.

**FOR A TENTH AFFIRMATIVE DEFENSE**  
**THIS ANSWERING DEFENDANT ALLEGES**  
**UPON INFORMATION AND BELIEF:**

194. The damages claimed by plaintiffs are unclear, contingent, and speculative and are therefore not recoverable.

WHEREFORE, Defendant, DONOVAN GLAVIN, demands (1) judgment dismissing the Amended Complaint; (2) that the plaintiff's damages, if any, be diminished in the proportion which the culpable conduct, comparative negligence, assumption of risk, and failure to mitigate attributed to the plaintiffs' claimed damages; (3) an allocation and apportionment of the relative culpabilities of all parties and damages, if any; (4) striking scandalous matters from the Amended Complaint, including a derogatory term used to describe Defendant throughout the Amended Complaint; and (5) together with the costs and disbursements of this action; and (5) such other and further relief as this Court deems just and proper.

DATED: Buffalo, New York  
August 15, 2022

/s/Caitlin E. O'Neil  
Caitlin E. O'Neil, Esq.  
**LIPPES MATHIAS LLP**  
*Attorneys for Defendant,*  
*Donovan Glavin*  
50 Fountain Plaza, Suite 1700  
Buffalo, New York 14202  
P: (716) 853-5100  
E: [coneil@lippes.com](mailto:coneil@lippes.com)